

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

RONALD FLOWERS

PETITIONER

vs. Civil Case No. 2:08cv00122 HLJ

T. C. OUTLAW, Warden  
FCC, Forrest City, Arkansas

RESPONDENT

**ORDER**

On November 20, 2008, the Court granted Petitioner's Motion to Stay and directed the Clerk to administratively close the case pending disposition of Gatewood v. T. C. Outlaw, CA 08-2197. The Eighth Circuit has since rendered its decision in that case, 2009 WL 775567 (8th Cir. Mar. 26, 2009), and Petitioner now moves to lift the stay and reopen his case. He further moves to withdraw his habeas petition without prejudice, despite the fact that his counsel will seek review by the United States Supreme Court of the Gatewood decision. Respondent, by and through counsel, the United States Attorney's Office, has notified the Court that there is no opposition to the motion.

Therefore, Petitioner's motion to lift stay is granted, and the Clerk is directed to reopen the case. Petitioner's motion to dismiss without prejudice is hereby granted.

SO ORDERED this 23<sup>rd</sup> day of April, 2009.

  
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United States Magistrate Judge